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July 29, 2009

Hon. Gustave J. DiBianco  
U.S. District Court  
100 S. Clinton Street  
P.O. Box 7367  
Syracuse, New York 13261-7367

Re: Mousaw v. Board of Education of the  
Colton Pierrepont CSD, et al.  
Case No. 7:07-cv-01006-DNH-GJD  
Our File: 18838.0001

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Dear Hon. Gustave J. DiBianco:

As a follow up to the tele-conference with all counsel on July 16, 2009, please be advised that we have completed the deposition of plaintiff, but the remaining depositions were not completed due to the issue of the tapes of the board of education meetings. The remaining depositions have been scheduled and confirmed as follows:

1. Andrew Silver, August 18, 2009, at 10:00 a.m.;
2. Stephen Knight, August 18, 2009, at 1:00 p.m.; and
3. Martin Bregg, August 19, 2009, at 9:00 a.m.

In addition, as instructed, the tapes have been copied on to CD and copies have been provided to all counsel. We are in the process of working on transcriptions, which has been difficult due to the poor quality of the tapes and therefore, we have decided to retain an outside transcriptionist to complete this task in time for the upcoming depositions.

As a result, we have been unable to meet the current deadline for depositions to be completed by July 31, 2009, but as discussed at the tele-conference with your Honor, we are requesting the following extension of the current scheduling order:

1. All depositions to be completed by August 31, 2009.
2. Close of Discovery will be by September 15, 2009.
3. Dispositive Motions will be filed by November 30, 2009.

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Thank you for your time and consideration with regard to this matter.

Very truly yours,

O'HARA, O'CONNELL & CIOTOLI

S/ Stephen Ciotoli

Stephen Ciotoli

Bar Roll Number: 512228

IT IS SO ORDERED

\_\_\_\_\_, 2009  
Hon. Gustave J. DiBianco